

**TOWN COUNCIL
REGULAR MEETING
JANUARY 3, 2001**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:01 p.m. by Mayor Venis and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present were Mayor Venis, Vice-Mayor Weiner and Councilmembers Clark, Cox and Paul. Also present were Town Administrator Willi, Town Attorney Kiar, and Acting Town Clerk McDaniel recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Venis advised the speakers of the Open Public Meeting procedures.

Cindy Osborne, 4420 SW 64 Avenue, spoke about the recent budget meeting where it was revealed there was a lack of revenue for fire, police and parks and recreation. She added that the Town was making long term investments while borrowing \$13 million and residents were being assessed for services. Ms. Osborne reminded Council of the piece of property purchased in 1999 that was still not usable as it was covered with weeds and trash. She added that the Town had not created the park at this location that was promised and she was embarrassed by the bad publicity that the Town was receiving throughout the State. Ms. Osborne added that the eastside residents were promised a pool by summer and asked if this would happen.

Mr. Willi discussed the 61st Avenue park and stated that grant funds had been secured for a pool and cabana. He added that the park was in the capital projects budget to be discussed on January 17th, but the actual project was on hold while the possibility of purchasing an adjacent parcel to expand the park was investigated. Mayor Venis asked for a status of the expansion at the January 17th meeting.

Bruce Novak, 4262 SW 78 Drive, advised that he was running for the District 2 Council seat.

Ellen Christopher, 3666 West Valley Green Drive, quoted a recent news article regarding the clearing of a 35 acre site next to Rolling Hills Golf Course that was environmentally sensitive and protected. She asked how this happened and how it had escaped the concern of the Open Space Advisory Committee. Ms. Christopher felt that the Open Space Program was more than horse trails, but was for the preservation of sensitive land. She was waiting for information on the responsibilities of this Committee.

Councilmember Paul stated that she was dealing with another piece of property on Orange Drive and had been told that the County was the one that approved a permit in relationship to wildlife and environment.

Mr. Willi advised that he had also learned of the clearing from the news article and advised that the Town did not require a permit for property to be cleared. Councilmember Paul stated that Council had been discussing amending the wildlife ordinance and there were plans to create a permit process for these situations.

Mayor Venis asked if the developer had obtained a building permit. Mr. Willi stated that trees were legally allowed to be cleared from an owner's property.

Ms. Christopher thought this area was protected wetlands. It was clarified in discussion that the article said it was environmentally sensitive.

Councilmember Cox advised that there should be a tree assessment, as trees taken out must be replaced when the property was redeveloped. Councilmember Paul had requested a tree survey so this could be prevented.

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Mayor Venis asked for a report on this at the next meeting.

Mr. Kiar stated that the wildlife ordinance recently passed by Council provided for strict criteria that must be met before a permit for development could be issued.

Mitzi and Chad thanked Mayor Venis for allowing Davie Playschool to keep their pre-school teacher.

Tom Truex, 4740 SW 72 Avenue, referred to the R-1E zoning issue from a few months ago, reminding Council that it had voted against changing the zoning laws. He felt that there was still a crisis with this issue as the current zoning law was far from ideal as far as what would happen with the remaining undeveloped land. Mr. Truex asked that the Town let residents know what was planned before another emergency arose.

Councilmember Paul brought up the issue of a zoning in progress and the master plan and asked that a workshop be planned for resident input.

James Marcellino indicated that he was a candidate for the District 4 Council seat and offered his credentials. One of his concerns was community service, stating that the infrastructure should grow with the needs of the Town, specifically water and drainage needs, equal and adequate parks in all areas and police and fire rescue services. Mr. Marcellino felt that accountable Town government should plan and act on behalf of the majority. He suggested moving toward a municipal attorney. Mr. Marcellino spoke about the \$250,000, which was spent and unaccounted for. He advised that he had asked for information on where this money was spent and was still waiting for documentation.

4. PRESENTATIONS

4.1 Upcoming Special Events - Bonnie Stafiej and Sharon Pierce-Kent

Dennis Andresky, Park Superintendent, advised that upcoming events included: Elvis concert (February 13th); and registration for youth baseball and girls softball.

Bonnie Stafiej, Special Projects Director, advised that upcoming events included: 5 Star Rodeo annual bull riding (January 13th); Martin Luther King Day Celebration at Potters Park (January 14th); concert in the park (January 21st); Orange Blossom Festival (February 24th-25th); and the Toughman Contest (January 19th - 20th).

Mayor Venis advised that the sponsors for the Toughman Contest would be giving a donation to Davie PAL.

Mayor Venis announced that items needed to be added to the agenda as 12.5 and 12.6.

Councilmember Paul made a motion, seconded by Vice-Mayor Weiner, to add these items. In a voice vote, all voted in favor. (Motion carried 5-0)

**12.5 A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA RATIFYING THE
R-2001-7 AMENDED COLLECTIVE BARGAINING AGREEMENT BETWEEN THE
TOWN OF DAVIE AND THE NATIONAL ASSOCIATION OF FIREFIGHTERS.**

Acting Town Clerk McDaniel read the resolution by title.

Councilmember Paul made a motion, seconded by Vice-Mayor Weiner to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

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12.6 R-2001-8 AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO APPROVE AND EXECUTE AN AGREEMENT WITH DINA AYERS FOR PRESCHOOL PROGRAM AT IVANHOE COMMUNITY CENTER AND SHENANDOAH PARK ACTIVITY ROOM

Acting Town Clerk McDaniel read the resolution by title.

Vice-Mayor Weiner advised that the information at the bottom of page 6 and the top of page 7 were the same. He indicated that this information should be struck through and initialed.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

5. MAYOR/COUNCILMEMBER'S COMMENTS

HOLIDAY WISHES. Mayor Venis extended New Year's greetings.

PINE ISLAND FACILITY MAINTENANCE. Mayor Venis stated that he would be meeting with Dina Ayers regarding these needs. He indicated that he had previously recommended a systematic maintenance check where a department head would sign off on each task completed.

DAVIE ELEMENTARY SCHOOL SHELTER. Mayor Venis advised that he had met with School Board member Carol Andrews concerning the shelter and it was hoped that by the end of February, the plan would be brought to Council. He indicated that the shelter would be an asset to Gessner Park and the residents.

BOUNDARY ISSUES. Mayor Venis asked that this issue be addressed at the next meeting.

LOBBYISTS. Mayor Venis asked if plans had been made to hire lobbying services other than those already lobbying in Tallahassee. He felt other lobbyists might be able to pin down available monies and suggested a combination of Mr. Sigerson and others.

Councilmember Cox asked if there was anything specific that the Town needed to target this year and indicated that there needed to be a list of issues that were important.

Councilmember Paul felt that Mr. Sigerson had been responsive to the Town's needs in the past.

Vice-Mayor Weiner recommended that each Councilmember generate a list of those items they felt were important.

THANKS. Mayor Venis advised that he had received a letter of thanks from a resident regarding the quick and professional response from EMS when her daughter was injured.

COUNCILMEMBER CLARK

NOTIFYING RESIDENTS. Councilmember Clark felt that the complaints from residents who were not being notified for variances and special permits were well justified. She said that the notification area was inadequate and she would like to change the criteria the Town used. Mr. Willi indicated that this would require a Code change and he would look into this.

SPEED HUMPS. Councilmember Clark suggested criteria be established for speed hump requests. She felt there should be guidelines for surveying residents and a policy for how speed humps were deemed appropriate.

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61ST AVENUE PARK. Councilmember Clark spoke about the land purchased in 1999 for the park and she was concerned that nothing had happened with this area. She felt that the postponement was not necessary as the money was there to create the park without the need for an extension of the proposed plan.

\$250,000 MISSING. Councilmember Clark asked about the missing money and asked that a report be provided.

OPEN SPACE ADVISORY COMMITTEE. Councilmember Clark asked if the purpose of the Committee was to purchase open space property or to locate open space. Mr. Kiar indicated that the initial purpose was to locate space to preserve. Councilmember Cox disagreed. Councilmember Clark stated that she would like to see the Committee spend more time looking for open space and felt impact fees could be used for open space.

HOLIDAY WISHES. Councilmember Clark hoped everyone had a nice holiday.

MARTIN LUTHER KING DAY. Councilmember Clark thanked Ms. Stafiej for coordinating this celebration and felt it was important to teach children this history.

COUNCILMEMBER COX

HAPPY HOLIDAYS. Councilmember Cox wished all a happy and healthy New Year.

61ST AVENUE PARK. Councilmember Cox stated that the initial plan included the possible purchase of the adjacent land and she would like to see the pool developed. She pointed out that the park was funded through the bond issue and a grant and was not tied to capital projects.

CRYSTAL LAKES COMMUNITY. Councilmember Cox suggested meeting with the residents and proceeding with their needs.

OPEN SPACE ADVISORY COMMITTEE. Councilmember Cox stated that when the open space bond issue was approved, the types of land to be purchased showed archeological and environmentally sensitive sites were most important. A list of properties was compiled and this was taken to the public and the Committee had stated its intentions to link these lands with equestrian trails and to landscape some areas. Councilmember Cox indicated that the bond issue was very specific. The driving force was to link the communities with a trail system accessible to all, not just equestrians; however, the plan fell by the wayside when she left office. Councilmember Cox indicated that open spaces were fenced, were not accessible and trees were purchased with Open Spaces funds. Since then, several areas had been opened and the project was compatible with the County with positive results. Councilmember Cox emphasized the importance of linking the open spaces together, as this was much more effective. She felt that the Committee had been aggressive and as a result, Davie had a unique recreational amenity which other areas were trying to emulate.

VICE-MAYOR WEINER

CONGRATULATIONS. Vice-Mayor Weiner congratulated his daughter, Jocelyn, who was in a play.

MEETING. Vice-Mayor Weiner advised that he had met with Mr. Truex and planned to meet with residents for their input.

WATER TESTING. Vice-Mayor Weiner advised residents to be careful as he recently received a note on his door about water testing and realized there was no phone number. He advised that this service was not affiliated with the Town.

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HAPPY NEW YEAR. Vice-Mayor Weiner wished everyone a happy New Year.

COUNCILMEMBER PAUL

HAPPY NEW YEAR. Councilmember Paul wished all a Happy New Year.

OPEN SPACES. Councilmember Paul appreciated the interest in open spaces and preservation of land.

WINGS OF GOLD. Councilmember Paul stated that she had been made an honorary member and congratulated the organization. She listed their accomplishments with the Toy Run in the Sun and donations it was responsible for.

BOUNDARIES. Councilmember Paul advised that a meeting was scheduled for January 9th with parents to discuss school boundary issues, as well as other school issues. Vice-Mayor Weiner asked if this meeting could be advertised so that other members of Council could attend with Acting Town Clerk McDaniel replying in the affirmative.

SPEED HUMPS. Councilmember Paul stated that residents had requested speed humps for 61st Avenue south of Griffin Road.

HORSE CROSSING SIGNS. Councilmember Paul advised that signs had been requested for 61st at Orange Drive and Griffin Road.

WATER RESTRICTIONS. Councilmember Paul stated that residents were still seeing sprinkler systems running. She would like to know what the Town planned to do about water restrictions and letting the public know.

SHARON KENT. Councilmember Paul advised that Ms. Kent was leaving to take a position with the City of Plantation and felt that someone should take up where she left off with the grant writing. Mr. Willi indicated that the Town had not been the recipient of many grants. He felt that this should be a responsibility of the Parks and Recreation Department, through either an outside consultant/lobbyist or a staff member with experience. Mr. Willi felt that it was important to step up the pursuit of grant funds.

6. TOWN ADMINISTRATOR'S COMMENTS

61ST AVENUE PARK. Mr. Willi advised that for the last two months, the Town had been actively removing wildlife from the property in preparation for the park.

EMERGENCY LIGHTS. Mr. Willi referred to the recent power outage at a meeting and advised that additional emergency lights had been installed.

\$250,000. Mr. Willi advised that this money referred to the umpire fee payments and providing receipts for these monies would be impossible, as the documents did not exist. The request for payment and the check stubs were available, but there was no other accountability. He indicated that a meeting would be held with the department to make plans for accountability.

PINE ISLAND PARK. Mr. Willi advised that the pool heaters had been ordered, the permits had been obtained and installation was expected for the week of January 22nd. He stated that the Town had problems with the pool marsite and the contractor would be making repairs at the same time the pool heaters were being installed. Mr. Willi advised that the marsite may need to be completely replaced by the contractor. Mayor Venis pointed out that problems would be continuous if it was not done properly.

NEW STAFF MEMBERS. Mr. Willi introduced Mark Alan, Human Resources Director and Dan Arner, Town Engineer.

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6.1 Confirmation of Town Clerk

Mr. Willi introduced Russell Muniz, his candidate for Town Clerk. He advised that the Code required that Council ratify his choice and stated that Mr. Muniz supervised 15 clerical positions in the Pembroke Pines Building Department.

Councilmember Cox asked Mr. Muniz if he had any Town Clerk experience. Mr. Muniz responded that he had a certificate in records management and advised that he had public records experience in Pembroke Pines. Councilmember Cox asked if he belonged to any municipal clerk organizations. Mr. Muniz responded negatively but added that he would be joining.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve the appointment of Russell Muniz. In a voice vote, all voted in favor with Councilmember Cox dissenting. (Motion carried 4-1)

7. TOWN ATTORNEY'S COMMENTS

UPCOMING HEARINGS. Mr. Kiar stated that the Kuegler hearing was scheduled for January 5th and the mediation for Marinon was scheduled for January 4th.

GARBAGE RATES FOR PARK CITY WEST. Mr. Kiar indicated that this area had been annexed to the Town and there was no annexation agreement exempting the area from Davie's garbage rates. For the last two years, they had been billed at a lower rate than the rest of the town, but the rate was comparable to other mobile home communities. Waste Management had discovered there was not an agreement and was billing residents at \$62.70 up from the previous \$27.63. Mr. Kiar advised that the homeowner's association was appealing to the Town on this issue. He indicated that Waste Management had proposed that it would waive its 12.5% to give relief to residents if the Town would waive its 12.5% franchise fee. Mr. Kiar recommended that this issue be placed on the agenda so residents could voice their concerns.

Councilmember Cox asked how other fees would be impacted if this fee was waived. Mr. Kiar indicated that he would take this into consideration. Vice-Mayor Weiner felt these fees brought in \$1.3 or \$1.4 million and was too much to cut from the current year. Councilmember Paul was concerned that the budget was prepared based on expected income, which would result in a shortfall.

HAPPY HOLIDAYS. Mr. Kiar hoped 2001 would be a great year for all.

Mayor Venis asked if Public Relations Coordinator Susan Dean could schedule a meeting with Waste Management regarding the garbage rate issue.

8. CONSENT AGENDA

Minutes

- 8.1** October 26, 2000 - Special Meeting
- 8.2** November 8, 2000 - Workshop Meeting
- 8.3** November 15, 2000 - Regular Meeting

Occupational License (Carnival - Waiver of Occupational License Fee)

- 8.4** St. Bernadette Church, 7450 Stirling Road (February 15 - 18, 2001)

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Resolutions

- 8.5
R-2001-1 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A PROPOSED AGREEMENT WITH A-PLUS TRANSPORTATION, INC. FOR OPERATION AND MAINTENANCE OF TRANSIT BUS SERVICE; AND PROVIDING FOR AN EFFECTIVE DATE. (\$28/hour/bus)**
- 8.6 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT BETWEEN BROWARD COUNTY AND THE TOWN OF DAVIE PROVIDING FOR THE DELIVERY OF FIRE PROTECTION AND EMERGENCY MEDICAL SERVICES BY THE TOWN WITHIN A CERTAIN PORTION OF UNINCORPORATED BROWARD COUNTY KNOWN AS PINE ISLAND RIDGE. (\$8,393/month payment to the Town)**
- 8.7
R-2001-2 **AGREEMENT - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE BROWARD COUNTY SUPERVISOR OF ELECTIONS AND THE TOWN OF DAVIE FOR THE PURPOSE OF ENGAGING POLL WORKERS FOR MUNICIPAL ELECTIONS.**
- 8.8
R-2001-3 **AGREEMENT MODIFICATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NUMBER 1 TO MODIFY AN AGREEMENT FOR LIVESTOCK GRAZING SERVICES AT THE ROBBINS PROPERTY. (\$204/month to the Town)**
- 8.9
R-2001-4 **CHANGE ORDER - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CHANGE ORDER WITH THE HASKELL COMPANY FOR THE CONSTRUCTION OF DUGOUT ROOFS AND AN EXTENSION OF THE RECREATIONAL PATH AT DRIFTWOOD ESTATES PARK. (increase of \$12,497.52)**
- 8.10
R-2001-5 **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR MOTOROLA MOBILE RADIOS, PIGGYBACKING BROWARD COUNTY CONTACT #D03961134, TO BE FUNDED FROM THE LAW ENFORCEMENT TRUST FUND. (\$27,852.11)**
- 8.11
R-2001-6 **EXPENDITURE - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE LAW ENFORCEMENT TRUST FUND FOR DONATION TO A CHILD IS MISSING, INC., A NON-PROFIT ORGANIZATION. (\$500)**

Vice-Mayor Weiner asked that items 8.6 and 8.9 be removed from the Consent Agenda.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to approve the Consent Agenda without items 8.6 and 8.9. In a voice vote, all voted in favor. (Motion carried 5-0)

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8.9 Vice-Mayor Weiner questioned if the change order was generated by the architect or staff. Public Works/Capital Projects Manager Bruce Bernard stated that these items were left off the original bid to see what the bid would be and added that money was budgeted. He added that the request was made by staff.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

8.6 Vice-Mayor Weiner indicated that he had a problem with the resolution and was stymied at Broward County's offer for fire rescue services, as it would be collecting about \$1 million. He stated that the County had used the prior year's rates and collections to come up with the proposed amount of \$100,000 to \$250,000. Vice-Mayor Weiner felt this was absurd and suggested that the County charge an administration fee and pass on the money to Davie. He wanted to know what the Town's costs were to the residents and he did not want to spend Town money to subsidize Pine Island Ridge. Vice-Mayor Weiner stated that he could not support this resolution.

Mayor Venis felt that \$100,000 to \$250,000 was too little to provide the Town for servicing such a large area and confirmed that services were being provided to a portion of Southwest Ranches for \$350,000. He felt that this proposal was out of line and wanted Mr. Willi to go back to the County and negotiate.

Mr. Willi indicated that the cost per user was not necessarily reflective of the cost of the service. He stated that the County was not willing to negotiate above the \$110,000 plus their transport fees for a total in excess of \$200,00 per year. Mr. Willi indicated that the County would instead move its building and engine back into that area if an agreement was not reached. He agreed that the Town should collect as much as possible, but it should be a true representation of the cost. Mr. Willi recommended that the Town take the dollar value, as the Town had been providing the service since October 1st and no argument could be made for \$1.3 million. He added that the County was not willing to budge and indicated that Pine Island Ridge would become part of the Town which would drop the fire rescue fee to the Town's fee.

Vice-Mayor Weiner stated that the County felt that the money was not necessarily related to the cost of services and as such they would be returning a portion of the \$500,000 that the residents of Southwest Ranches generated in services. It should be based on what it cost to provide the service; otherwise it was a disservice to the Town.

Mayor Venis indicated that it would cost more for the County to provide these services than what it planned to pay the Town.

Councilmember Paul stated that a number of units would be going into Pine Island Ridge and, based on the cost of services, the Town would be subsidizing the County. She recommended that the agreement be renegotiated.

Councilmember Clark asked Mr. Willi if he felt this dollar amount was fair. Mr. Willi stated that he could not provide an answer without more analysis. Acting Deputy Fire Chief Sid Marchant stated that he could not add much to the information on the money figures, but the County's calls were based on the number of trucks at each call.

Councilmember Cox felt that the Pine Island area was a lucrative area and it was not adequate for the Town to receive \$8,000 per month as it took away from service to the rest of the Town's residents.

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Driver Engineer Jim Bunce stated that this was not just a financial issue but a safety issue as the units were not available to the other parts of the Town when they were responding to these calls. If the County wanted to take the money from this area, it should do the job and the Town's own services would then not be stressed by this extra service.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to counter the proposal from Broward County Fire Rescue Department directly to the County Commission that the Town would enter into an interlocal agreement to provide fire rescue services to the residents of Pine Island Ridge for payments totaling \$500,000 for the year, plus the additional calls they were speculating that the amount of the revenue that would be generated, plus transport revenues. In a voice vote, all voted in favor. (Motion carried 5-0)

9. PUBLIC COMMENTS

Ordinance - First Reading (Public Hearing to be held on January 17, 2001)

9.1 **LAND USE PLAN AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING APPLICATION LA (SS) 00-4A, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM "COMMERCIAL AND SPECIAL CLASSIFICATION (RESIDENTIAL 2 D.U./ACRE)" TO "SPECIAL CLASSIFICATION (RESIDENTIAL 7 D.U./ACRE); PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (Hidden Cove, west side of Davie Road approximately 1/8 mile north of Stirling Road)

Mayor Venis advised that a public hearing would be held on January 17, 2001. Acting Town Clerk McDaniel read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public comments were closed.

Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - yes; Councilmember Paul - yes; (Motion carried 5-0)

10. PUBLIC HEARINGS

Mayor Venis opened the public hearing portion of the meeting.

Ordinances - Second and Final Reading

10.1 **AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING ORDINANCE NO. 97-70 BY AMENDING ARTICLE 2 THEREOF ENTITLED "COLLECTION AND HAULING OF SOLID WASTE"; AMENDING ARTICLE XI THEREOF ENTITLED "BILLING AND COLLECTION PRACTICES"; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

Acting Town Clerk McDaniel read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

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Vice-Mayor Weiner made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - yes; Councilmember Paul - yes; (Motion carried 5-0)

10.2
2001-2 **REFERENDUM - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, PROVIDING FOR AMENDMENT OF SUBSECTION 7(A) OF THE TOWN CHARTER TO PROVIDE THAT COUNCILMEMBERS SHALL BE ELECTED FROM SINGLE MEMBER DISTRICTS EXCEPT FOR THE MAYOR/COUNCILMEMBER WHO SHALL BE ELECTED AT LARGE FROM ALL OF THE TOWN'S REGISTERED VOTERS; PROVIDING FOR APPROVED AMENDMENTS TO BE INCORPORATED INTO THE CHARTER OF THE TOWN; AND FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Acting Town Clerk McDaniel read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Paul made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - yes; Councilmember Paul - yes; (Motion carried 5-0)

10.3
R-2001-3 **REFERENDUM - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, PROVIDING FOR AMENDMENT OF SUBSECTION 7(H) OF THE TOWN CHARTER REQUIRING NO LESS THAN A SUPER-MAJORITY OF MEMBERS PRESENT OF THE TOWN COUNCIL ("SUPER-MAJORITY" BE DEFINED AS A MAJORITY PLUS ONE OF TOWN COUNCIL MEMBERS PRESENT) FOR APPROVAL OF LAND USE PLAN AMENDMENTS; PROVIDING FOR APPROVED AMENDMENTS TO BE INCORPORATED INTO THE CHARTER OF THE TOWN; AND FOR THE FILING OF THE REVISED CHARTER WITH THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Acting Town Clerk McDaniel read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Councilmember Cox indicated that she did not necessarily agree with all of the referendum questions, but felt the residents should vote on them. She hoped that the candidates would discuss these issues.

Councilmember Paul made a motion, seconded by Vice-Mayor Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - yes; Councilmember Paul - yes; (Motion carried 5-0)

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10.4 **REFERENDUM - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2001-4 **PROVIDING FOR AMENDMENT OF SUBSECTION 7(J)(1) TO INCREASE THE
SALARIES OF THE COUNCILMEMBERS TO \$1,500 PER MONTH AND OF
THE MAYOR TO \$2,000 PER MONTH; PROVIDING FOR APPROVED
AMENDMENTS TO BE INCORPORATED INTO THE CHARTER OF THE
TOWN; AND FOR THE FILING OF THE REVISED CHARTER WITH THE
DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Acting Town Clerk McDaniel read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Dan Pignato, 6920 SW 56 Court, advised that he was a member of the Charter Review Board that recommended many of these changes. He explained that this ordinance was an amendment for the purpose of allowing the average citizen to run for Council and the proposed salaries were comparable to those of other area municipalities.

Mayor Venis closed public hearing.

Vice-Mayor Weiner stated that he was originally opposed to this issue but felt that the voters should decide. He indicated that had not considered the importance of an affordable salary, but qualifying fees would change.

Councilmember Paul made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - yes; Councilmember Paul - yes; (Motion carried 5-0)

10.5 **REFERENDUM - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2001-5 **PROVIDING FOR AMENDMENT OF SUBSECTION 9(A) OF THE TOWN
CHARTER TO PROVIDE THAT THE TOWN COUNCIL SHALL IDENTIFY
THE REMAINING RURAL AND EQUESTRIAN AREAS WITHIN THE
TOWN AND ADOPT APPROPRIATE LEGISLATION TO ENSURE THE
PRESERVATION OF THESE AREAS; PROVIDING FOR APPROVED
AMENDMENTS TO BE INCORPORATED INTO THE CHARTER OF THE
TOWN; AND FOR THE FILING OF THE REVISED CHARTER WITH THE
DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR
SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Acting Town Clerk McDaniel read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Tom Truex, 4740 SW 72 Avenue, advised that the proposal meant that Council should identify the remaining rural and equestrian areas in the Town and adopt appropriate legislation to ensure preservation of those areas. Much of the remaining land was privately owned and was of interest to all residents. Mr. Truex felt that the Town was crisis-oriented and stated that this language would help Council provide a plan before a developer came in. He advised that experts predicted that this land would be built out in the next few years.

Dan Pignato felt that the most important aspect of this referendum was to show the intent of the people. He added that it was not anti-business, but was to maintain the rural atmosphere.

Mayor Venis closed public hearing.

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Councilmember Paul supported this and felt the Charter Review Board had done a good job with this issue.

Councilmember Paul made a motion, seconded by Councilmember Cox, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - yes; Councilmember Paul - yes; (Motion carried 5-0)

10.6 **REFERENDUM - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2001-6 **PROVIDING FOR AMENDMENT OF THE SECOND SENTENCE OF SECTION**
 11 TO DELETE REFERENCE TO "VOLUNTEER" AND ADD LANGUAGE
 CONCERNING EMPLOYEES AND REGULAR FULL-TIME FIREFIGHTERS;
 PROVIDING FOR APPROVED AMENDMENTS TO BE INCORPORATED
 INTO THE CHARTER OF THE TOWN; AND FOR THE FILING OF THE
 REVISED CHARTER WITH THE DEPARTMENT OF STATE OF THE STATE
 OF FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN
 EFFECTIVE DATE.

Acting Town Clerk McDaniel read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Dan Pignato spoke in favor of full time firefighters, EMS and EMT personnel.

Dean Alexander explained the provisions made in Section 11 to recruit volunteer firefighters when there was an emergency only.

Tom Truex agreed with the previous speakers.

Mayor Venis closed public hearing.

Councilmember Paul made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - yes; Councilmember Paul - yes; (Motion carried 5-0)

10.7 **REFERENDUM - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2001-7 **PROVIDING FOR AMENDMENT OF THE THIRD SENTENCE OF SECTION 11**
 TO DELETE REFERENCE TO THE CHIEF OF THE FIRE DEPARTMENT
 ACTING AS FIRE MARSHAL; PROVIDING FOR APPROVED
 AMENDMENTS TO BE INCORPORATED INTO THE CHARTER OF THE
 TOWN; AND FOR THE FILING OF THE REVISED CHARTER WITH THE
 DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR
 SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Acting Town Clerk McDaniel read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - yes; Councilmember Paul - yes; (Motion carried 5-0)

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- 10.8 **REZONING - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA,**
2001-8 **CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE**
 TOWN OF DAVIE FROM BP, BUSINESS PARK DISTRICT, TO BP, BUSINESS
 PARK DISTRICT, OF THE TOWN OF DAVIE CODE; AMENDING THE TOWN
 ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY;
 AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 10-2-00, Willow
 Acquisitions, LLC, 4300 and 4400 Weston Road)

Acting Town Clerk McDaniel read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance.

Emerson Allsworth, representing the petitioner, was present.

Mayor Venis closed public hearing.

Councilmember Cox made a motion, seconded by Vice-Mayor Weiner, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - yes; Councilmember Paul - yes; (Motion carried 5-0)

- 10.9 **FEE ASSESSMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA**
2001-9 **ASSESSING A FEE ON TELECOMMUNICATIONS COMPANIES THAT**
 OCCUPY MUNICIPAL RIGHTS-OF-WAY FOR TELECOMMUNICATIONS
 FACILITIES; PROVIDING FOR WHEN PAYMENTS ARE DUE; PROVIDING
 FOR INTEREST; PROVIDING FOR REVIEW OF RECORDS; PROVIDING A
 SAVINGS CLAUSE; PROVIDING AN EFFECTIVE DATE.

Acting Town Clerk McDaniel read the ordinance by title.

Mayor Venis asked if anyone wished to speak for or against the ordinance. As no one spoke, the public hearing was closed.

Vice-Mayor Weiner made a motion, seconded by Councilmember Clark, to approve. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - yes; Councilmember Paul - yes; (Motion carried 5-0)

Quasi Judicial Item

- 10.10 **VARIANCE - V 10-1-00, Stirling Place, Inc., 6851 Stirling Road (B-1 and B-2) (to**
 exceed the maximum flag pole height of 43.75 feet by 36.25 feet for a total height
 of 80 feet) (tabled from December 20, 2000) Planning and Zoning Division
 recommended approval subject to the planning report; Planning and Zoning
 Board recommended approval subject to affirmative covenant running with
 the land for the flag to always be in pristine condition and that the flag will be
 an American flag

Mayor Venis swore in the witnesses. Mark Kutney, Development Services Director, indicated that staff's recommendation had not changed, but with Mr. Kiar's research, it appeared that the petitioner knew they needed to obtain a variance. Mr. Kiar explained the timeframe and felt that there were no vested rights for the petitioner.

Wayne Kaplan, representing the petitioner, disagreed about the lack of vested rights and felt that his client had relied upon staff's approval as his client was informally advised that a variance might be needed.

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Michael Janoura stated that staff had advised him that a variance was needed and that a mistake had been made. He was told that it was a technicality and could be easily taken care of with a variance. Mr. Janoura explained the pursuit of vested rights and his contact with Mr. Kiar.

Mr. Kutney explained that Planning and Zoning Manager Jeff Katims had encouraged Mr. Janoura to go the route of his vested rights even though he could not guarantee a timeframe of when this would be settled.

Mr. Kaplan felt that an approval could not be followed by a retraction and spoke about a 100 foot flag in the area. He indicated that this shopping center was designed around the flag and felt that the decision to deny was arbitrary and damaging.

Councilmember Cox pointed out that the petitioner remembered the discussion with Council about a need for a variance. Staff did not remember this, but the petitioner did have knowledge of this. Mr. Kaplan agreed that his client was told at some point that he would need a variance and this was prior to the approval. He indicated that approval processes change and now 18 months later, his client was told a variance was necessary. Mr. Kaplan felt his client should not be penalized for the Town's mistake.

Councilmember Clark thought it was important that Mr. Katims be present to discuss this issue and felt that this was an oversight by staff. Mr. Kutney advised that this issue was handled by a different planner and he agreed that it was missed.

Councilmember Paul wanted to know if the flag was important to this shopping center. Dan Duncam, architect for the project, reported that the flag was an integral part of the original concept. Councilmember Paul felt that the current structure worked without the flagpole and she did not see how the flag was so crucial.

Councilmember Cox questioned the size of the flag. Mr. Duncam advised that the size was 20 foot by 30 foot. Vice-Mayor Weiner recommended four flags instead of one pole.

Mr. Kaplan stated that his client had relied on the approval given by staff to proceed and indicated that the shopping center was ready to open in 60 days. He asked Council to consider what had already been put into place and what had been purchased while a decision was made. Mr. Kaplan asked that the request be approved.

Town counsel Tom Connick stated that at the time the site plan was submitted, the petitioner knew what the Code was. Mr. Duncam stated that they did not know this until the Site Plan Committee meeting and following that meeting, Planner Scott McClure talked with Mr. Duncam suggesting that this was "not a big deal".

Mr. Connick asked if on a prior project, they needed to pursue a variance. Mr. Janoura indicated that each time he called, he spoke to a new staff person and the project had changed hands three or four times which had resulted in confusion. Mr. Connick referred to the Code, which indicated the height of a flagpole. Mr. Janoura stated that they had relied on direction by staff. Mr. Kaplan felt that an approval would not result in his client having to go back to examine the Code. He added that his client should not have to suffer for a mistake made by staff. Mr. Kiar stated that the petitioner was advised of the need for a variance prior to the Site Plan Committee meeting. Mr. Kaplan stated that prior to approval, the petitioner was verbally told that he needed a variance.

Councilmember Clark asked who was responsible for requesting the variance. Mr. Kiar felt that there was knowledge that a variance was needed and staff acknowledged that there was a mistake, but this did not create a vested right. He indicated that Council needed to decide whether or not to grant the variance request.

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Mayor Venis asked if anyone wished to speak for or against the request.

Dan Pignato, 6920 SW 56 Court, advised that he was concerned about the effect on St. Bernadette School and the church when this plan began, but he had reviewed the rendering with the church officials and they were in favor. He indicated that the petitioner had not changed anything from what was originally proposed and the flagpole was part of the original plan. Mr. Pignato referred to another flagpole in the area and spoke on behalf of the petitioner saying that they had been totally above board. He stated that it was important for the Town to follow through on what was approved.

Mayor Venis closed the public hearing.

Councilmember Cox referred to the other flagpole and advised that the centers were very different. She felt that the scale of the flagpole proposed by the petitioner was too large to be supported by the building as the pole was eight stories tall.

Councilmember Paul advised that the Town appreciated the petitioner bringing another business to the area. She expressed concern with the flag and the noise it could create, as well as the lights, which may be on all night. Councilmember Paul did not see the flagpole as being necessary to the business and the structure.

Councilmember Clark felt that the petitioner had been above board and had not taken advantage. She approved of the request based on staff's initial approval.

Mayor Venis agreed with Mr. Pignato and spoke well of this developer and their involvement with the Town. He felt it was fair to grant this as the pole was purchased on the basis of an approved site plan. Mayor Venis added that it was attractive and he was in favor of approval.

Vice-Mayor Weiner had concerns with the process and how the landscaping would impact the plans. He felt that an 80 foot flagpole would not be visible after the landscaping had grown. Mr. Janoura indicated that the present landscaping was just a small fraction of what would shortly be arriving on site. He advised that many of the trees were 30 foot tall. Vice-Mayor Weiner stated that his concern was with the visibility of the flag and flag pole to residents and if the petitioner was going to commit to something that would make it less intrusive, his opposition was severely lessened. His concerns was with the height of the pole and the depth of the landscaping. Mr. Janoura advised that although the pole was 80 feet, the the pole was approximately 8 inches wide and had rubberized pieces which did not make noise against the pole.

Mr. Kutney felt that a compromise of a 60 foot height would be more appropriate and something staff could live with.

Vice-Mayor Weiner suggested approval of a 60 foot pole with a condition to come back at something when the applicant felt the landscaping was sufficient to justify an 80 foot pole. Mr. Duncam clarified that the suggestion was to put in a 60 foot pole which would then be replaced with an 80 foot pole.

Mayor Venis suggested that the petitioner bring back a picture of what the flagpole would look like to the residents. Mr. Janoura spoke about the history of this project and the development of this land. He added that if the residents were concerned about this issue, they would be here as they had spoken on other development proposals of his.

Mr. Pignato reminded Council that he was opposed to the original rezoning and had helped to preserve the 90 feet behind this site which was being kept as marshland. He pointed out that there were only five houses behind the site, not an entire development.

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Councilmember Paul made a motion that this be reviewed again at the next meeting with digital pictures showing what it would look like. The motion died due to the lack of a second.

Mr. Janoura stated that he did not mean to sound unreasonable but indicated that this project had been drawn out for three years and he would like to avoid further delays. He added that since the structure was in place and the pole was paid for, a 60 foot pole would put him in the same bind of having to start over. Mr. Janoura reiterated that no one was present to oppose the request.

Councilmember Clark advised that Lowell Goode had called and was against it. Mayor Venis and Councilmember Paul indicated that they had also spoken to Mr. Goode. Councilmember Clark agreed that it was not fair to keep delaying this project. Mayor Venis advised that he did not have a problem with the request but the other Councilmembers needed to be comfortable.

Councilmember Paul made a motion, seconded by Vice-Mayor Weiner, to deny. In a roll call vote, the vote was as follows: Mayor Venis - no; Vice Mayor Weiner - yes; Councilmember Cox - yes; Councilmember Clark - no; Councilmember Paul - yes. (Motion carried 3-2)

Vice-Mayor Weiner made a motion to approve the variance at 60 feet as recommended by staff. Mr. Duncam advised that with a 60 foot pole, the flag would hang. Discussion followed on the size of the building compared to the flag. Mr. Duncam assured Council that this would site would have a lot landscaping and the flagpole would be an attractive focal point to the plan as a whole. Vice-Mayor Weiner withdrew his motion.

Councilmember Paul would be willing to reconsider the item with visual renderings being shown at the next meeting and added that she wanted a level of comfort when the decision was made.

Councilmember Paul made a motion, seconded by Vice-Mayor Weiner, to reconsider. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice Mayor Weiner - yes; Councilmember Cox - no; Councilmember Clark - yes; Councilmember Paul - yes; (Motion carried 4-1)

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to table to February 7, 2001. In a roll call vote, the vote was as follows: Mayor Venis - yes; Vice Mayor Weiner - yes; Councilmember Cox - no; Councilmember Clark - yes; Councilmember Paul - yes; (Motion carried 4-1)

11. APPOINTMENTS

11.1 Budget Advisory Committee (one exclusive appointment - Councilmember Clark; term of January 2001 to December 2001)

Councilmember Clark appointed Ann McNally.

12. NEW BUSINESS

12.1 Attorney Bill for Previous Councilmember James Bush

Mr. Kiar distributed a letter and indicated that he had spoken with Mr. Bush who stated that if the bill was approved, it should be paid directly to the law firm. Mr. Kiar stated that

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the expenses were listed as disbursements related to they attorney's trip and were pro-rated. For the bill received subsequent to that, it was agreed that anything over the \$3,917.21 would be waived.

Vice-Mayor Weiner made a motion, seconded by Councilmember Paul, to approve payment by check issued to the firm in the amount of \$3,917.21 consistent with the letter from Mr. Kiar to the law firm. In a voice vote, all voted in favor. (Motion carried 5-0)

12.2 Environmental Board (Mayor Venis)

Mayor Venis deferred this item.

12.3 League of Cities Report (Councilmember Cox)

Councilmember Cox advised that she had brought back things that would be of interest to staff and reported that there were interesting features on bidding on the internet. She indicated that she had attended several sessions on e-mail, internet and website management and felt the most pertinent session was regarding cities that had universities. Councilmember Cox stated that the Town had similar problems, such as the problem of a university coming into the Town and buying up much of the property, while still requiring services from the Town, but paying no taxes. Some cities negotiated a fee and some petitioned their legislature to give them some relief. Councilmember Cox felt that the Town needed to look at using a lobbyist for this purpose in the future. She reported that much of the recommended focus was on keeping people of all areas involved in an election and to discuss issues that were important to residents. Councilmember Cox spoke about the problems with special residential facilities.

12.4 Water Negotiations (Councilmember Weiner)

Vice-Mayor Weiner spoke about a letter from Mr. Cohen requesting additional information. He questioned if the Town's expert had provided a date as to when Council would be provided with some sort of analysis. Mr. Willi stated that a written report from Calvin Giordano should be received by January 5th and the expert was diligently working to set a date. At that point, it would be staff's responsibility to get them to comply with the schedule. Mr. Willi indicated that he did not have an answer for when Mr. Cohen would be providing that information.

Vice-Mayor Weiner suggested that should this not prove successful, Council would have to invoke court procedures through a lawyer. If this happened, the Town needed to be sure that it had all the information necessary and be ready to move forward as quickly as possible. Mr. Willi felt that staff should come up with a project schedule and then have the attorney move that schedule forward.

Mayor Venis asked if there was a way to give an approximate figure of what it would cost to acquire lines as he felt that this was taking far too long. He remembered that seven or eight years ago, the first project that the Davie Water Advisory Board undertook was to value the lines and determine the cost of new plants. Mayor Venis recommended hiring an expert to provide an approximate figure for Council's review and then take a straw vote before legal action was taken. He advised that he was trying to set up a tour to see the facilities in Jupiter.

Mr. Willi indicated that staff had collected a list of qualified firms in the area that specialized in wastewater.

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Councilmember Paul concurred and indicated that the residents were asking for a quality system. She advised that she was all for moving forward as quickly as possible.

13. ADJOURNMENT

There being no objections or further business, the meeting was adjourned at 10:59 p.m.

APPROVED _____

Mayor/Councilmember

Town Clerk